

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 18 MAY 2004



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Applicant's or agent's file reference 020005PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/JP 03/00665	International filing date (day/month/year) 24.01.2003	Priority date (day/month/year) 25.01.2002
International Patent Classification (IPC) or both national classification and IPC A63H30/04		
Applicant KONAMI CORPORATION et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☒ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 26.06.2003	Date of completion of this report 17.05.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Lucas, P Telephone No. +49 89 2399-2341 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/JP 03/00665**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-44 as originally filed

Claims, Numbers

1-16 as originally filed

Drawings, Sheets

1/13-13/13 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
- (Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ neither restricted nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
 - ☐ not complied with for the following reasons:
4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:
- ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-12 .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10,12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item IV

Lack of unity of invention

The application lacks of unity within the meaning of Rule 13 PCT. The separate inventions or groups of inventions claimed in the application are the following:

- a) Claims 1-12: A remote control toy system, solving the problem of conducting data between the different devices.
- b) Claim 13: A controller, solving the problem of receiving steering information.
- c) Claim 14: A model, solving the problem of implementing predetermined action.
- d) Claims 15-16: An accessory device, solving the problem of processing data.

The common concept linking these four separate groups of inventions together, which can be defined by the equivalent technical features common to all, is: a device comprising a radio communication module serving as a device for executing communication, and a control device for implementing various controls based on data communication conducted via a radio communication module. These features can, however, not support a unifying novel and inventive concept, since such a device is known for example from document D1: US-A-4 817 948 (see search report), which discloses a car having a FM receiver (129)(which equals the radio communication module) and a demultiplexer (128)(which equals the control device). Further each of the four groups solves a different problem. The application therefore lacks unity (see PCT-Guidelines, III-7).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1). The subject-matter of independent claim 11 (which is the broadest independent claim being examined) is not new within the meaning of Article 33(2) PCT, since document D1: **US-A-4 817 948** (see search report), discloses a remote control toy system as defined therein, especially it discloses: a controller (4,5), and a model controlled (2,3), wherein each of the controllers, the models comprises a radio

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communicating module (29,129) and a control device (118',119',120'), as defined in detail in the claim. The applicants argument that the D1 does not disclose an accessory device cannot be followed, as claim 11 does not specify this feature.

- 2). The additional features of independent 1, as well as the subject-matter of dependent claims 2-10 and 12, does not appear to involve an inventive step within the meaning of Article 33(3) PCT, since it appears to specify simple constructional measures in the field of remote control toy systems.
- 3). Claim 1 comprises all the features of claim 11 and is therefore not appropriately formulated as a claim dependent on the latter (Rule 6.4 PCT).
- 4). To meet the requirements of Rule 5.1(a)(ii) PCT document D1 should have been identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 5). To meet the requirements of Rule 6.3(b) PCT the independent claim should have been properly cast in the two part form, with those features which in combination are part of the prior art (see D1) being placed in the preamble.
- 6). Reference signs in parentheses should have been inserted in the claims to increase their intelligibility, Rule 6.2(b) PCT.